1942. File No. 7114/37

AGRE. & RURAL DEV.

[redacted] DEPARTMENT

7 BRANCH

Subject:— Minor Irrigation Works: Belgaum
Lendinalla, Bilgaum
Removal 7, No. 1.

B. class

B Class

CLOSED RECORD

K

9/16/6

File No. 7114/39 7

Std. Sectt. slip 24-B

G. R., G. D., No. 2408, dated 22-6-22.]

DOCKET SHEET

Subject:—

File No. 7114/39

AGRE. & RURAL DEV[redacted] **DEPT.**

7 **BRANCH.**

References:—

Date.	To whom sent.	Notes and instructions.
6/3/42	D	Demi-o. to R.& B. with 2 copies of notices (p. 17) on half margin. Pl. desired on 21-6-42 [illegible]
2/4/42	"	Demi-o. to P.W.D. and desired on ~~15-5-42~~ 20-5-42 [illegible]
8-42	D.S.	Work to do
-5-42	Regd	Pl. return no. to R.D.
5-42	Regd	Pl. issue notified at pp. 31 and 33 and distributed copies on page 36 [illegible]
5-42	"	File (cl. 08)

Subject: Stagnation of water in the Lendi Nalla town. Injury to public health by ...

...

No.Mun.B.C.M. 186.

Via Belgaum, 3rd February 1940.

From

B.Venkatappiah, Esquire, I.C.S.,

Collector of Belgaum;

To

The Commissioner,

Southern Division, Belgaum.

Sir,

I have the honour to state that there is a long-standing complaint that the bunding of "Lendi Nalla" in Belgaum town at several places causes stagnation of water and the public health of the borough is affected thereby. As complaints were received in this connection from (1) the Municipal Borough, Belgaum, (2) Cantonment Board, Belgaum., (3) M.& S.M.Railway authorities, and also (4) from the public in the form of an article in 'Belgaum Samachar' dated 12-9-1938, the Assistant Director of Public Health, S.R.D., Belgaum, was requested to inspect the site and give his opinion in the matter. He is of opinion that all the nine bunds, which are now being erected across the Nalla by the owners of lands on both the sides (marked on the enclosed sketch) should not be allowed to be constructed in the interest of public health. A copy of his letter No.2150 dated 1-6-1939 is enclosed. As the agricultural lands on both the sides of the Nalla are assessed to water rate in view of the water facility consequent on bunding the nalla in question, the proposal of the Assistant Director of Public Health, was found to involve a loss of a large revenue on account of the water share on the lands and payment of compensation to the occupants under Sections 39 and 40 of the Irrigation Act. My predecessor (Mr.Dracup) inspected the site and observed that in his opinion the level of the stream at Bund No.1 below the Railway Bridge, where the [illegible] of water takes place, is higher than that at some

distance down the stream and that even if the water is allowed to stagnate between Bund Nos. 1 and 4, the nuisance to the residents of the borough will abate, and loss of revenue and amount of compensation payable will be reduced. He accordingly asked the Executive Engineer to inspect the site, find out the levels at the sites of different bunds and to suggest which of the bunds will have to be removed to abate the nuisance (vide Collector's letter No.Mun.B.C.M. 186 dated 5-6-1939 - copy enclosed). The Executive Engineer states that the nuisance caused will be reduced if Bund No.1 is removed.

As the persons concerned are neither agreeable to the removal of the bund nor are willing to abstain from erecting it, I am of opinion that the proper course to be adopted in this case would be to take action under section 12 of the Irrigation Act. But before proposing the action under the said section, I solicit instructions whether section 12 would apply to the case. If it is held to apply, I shall ascertain whether the Municipality and the Cantonment Board are willing to pay the compensation that will have to be paid to the occupants under Sections 39 and 40 of the Irrigation Act and then submit draft notification prohibiting the erection of bund No.1 and ordering the removal of the existing bund across the Lendi Nalla under section 12 of the Irrigation Act.

Your most obedient servant,

Collector of Belgaum.

Copy of letter No.2150 dated 1-6-1939 from the Assistant Director of Public Health,S.R.D.,Belgaum.

...

Subject: Stagnant Water in Lendi Nalla.
Public nuisance caused by ---

" With reference to your letter No.Mun.B.C.M. 186, dated 12th April 1939, on the subject noted above, I have the honour to state that, on receipt of complaints from some of the residents near about the Lendi Nalla, I inspected the Nalla and the area affected thereby for the first time in September 1937 in company of the District Engineer, M.& S.M.Railway,Belgaum.

2. The stagnant collection of water in the Lendi Nalla extends over a distance of about 2 furlongs upstream. This part of the Nalla is surrounded by St.Mary's School, Post & Telegraph Offices, Cantonment and Municipal Development areas, parts of Belgaum i.e. Konwal and Patil gallis and also the Railway quarters and Railway yard. In Konwalgalli there has been constructed recently an excellent Cinema house called "Ritz Theatre" just on the bank of this Nalla, and it attracts a large number of visitors daily.

3. Though the Nalla is primarily a big storm water drain, it receives sullage, slop water etc., from Belgaum town, cantonment area and the Railway premises. The stagnation of this combined storm and sullage water over such a large area in the Nalla is caused by bunds put across the Nalla by the owners of the adjoining fields for the purpose of irrigation, on account os its high manurial value, mixed as it is with sewage etc. From Railway bridge No.5 at mile 32/1, Belgaum Railway Station to Belgaum-Dharwar Road the Nalla measures about 4,482 feet and within this distance there are 9 bunds across the Nalla. These bunds are said to be put annually during monsoon since 1904.

4. At the time of my first inspection I found that the whole strip of this stagnant collection of water was practically a septic tank emitting obnoxious and stinking smell, and consequently injurious pests, insects, flies, mosquitoes etc., found to breed freely therein in abundance. Further, the Nalla

back-yards of houses alighning the Nalla, there is every possibility of pollution of well waters either by percolation or by surface drainage (in high floods) of this foul water, thereby giving rise to such diseases as typhoid, para-typhoid, dysentery, diarrhoea, cholera etc. As a trial Mr.Krishna Jog's bund near the Railway bridge was got removed with the result that there was a free flow of water in the Nalla. I am, therefore, convinced that bunding of the Nalla at several points of the Nalla is the sole cause of the abominable nuisance so injurious to the health of the residents in the surrounding localities.

5. Firstly it was thought that the M.& S.M.Railway Company was responsible for allowing the bund near the railway bridge; but on enquiries with the Railway Company it was found that it had no hand in it. Thus, the right to this water rests with Government and its use by agriculturists has been allowed for a fixed water rate.

6. Again I inspected the Nalla as far as the Belgaum-Dharwar Road on the 14th of May along with the Director of Public Health, Bombay, and both of us are of the opinion that all the 9 bunds from the Railway bridge to the Belgaum-Dharwar Road should not be allowed to be constructed across the Nalla in the interests of Public Health of the citizens of Belgaum and Cantonment in general and the residents of the localities concerned in particular."

No.Mun.B.C.M. 186.

Belgaum, 5th June 1939.

From

The Collector of Belgaum;

To

The Executive Engineer,

Belgaum.

Sir,

I have the honour of forwarding herewith a copy of a letter No.2150 dated 1-6-1939 from the Assistant Director of Public Health,S.R.D. and a sketch showing the course of the Lendi Nalla. The first bund is put at the place marked as bund No.1 near the railway bridge between ~~Nos~~ S.Nos. 301 and 304 and thereby the water stagnates at the bund for about two furlongs up-stream, and causes nuisance to the residents of the town.

2. After the rains the occupants of lands on either side of the stream construct as many as nine bunds for irrigating their lands as shown in the sketch and the area shown in blue colour is irrigated.

2. The Assistant Director of Public Health is of the opinion that all the nine bunds should be removed.This proposal will involve loss of a large revenue on account of the water share imposed on the lands and payment of compensation to the occupants of lands under sections 39 and 40 of the Bombay Irrigation Act. I have inspected the site. In my opinion the level ~~xxxxxxxxx~~ of the stream at bund No.1 below the Railway bridge where the stagnation of water takes place, is higher than that at some distance down the stream say about a furlong. Even if the water is allowed to stagnate between bund No.1 and 4, I think the nuisance to the residents of the City will abate, and the loss of revenue and compensation payable, will be less.

I, therefore, request that you will kindly inspect the site ~~xxxx~~ before the rains set in, and find out the levels

at the sites of different bunds and advise me which of the bunds will have to be removed to abate the nuisance to the residents of the town.

This may please be treated as very urgent.

Your most obedient servant,

Sd. A.H.Dracup,

Collector of Belgaum.

3rd February 1940 from the Collr of Belgaum.

Submitted for favour of orders.

2. Reference is solicited to the memo. from the R.L.A. printed in the preamble of G.R.(P.W.D.)No.W.I.-7714, dated 23-8-1912. It would appear therefrom that the only thing necessary is to show that injury to public health has been caused "by the ~~xx~~ obstruction of a river, stream or a natural drainage course or drainage channel". Sec. 12 would therefore apply to this case.

Mr. Dracup has made it clear that the removal of Bund No. 1 alone would abate the nuisance and that the lie of the land down stream further on is not such as to cause stagnation of water so as to constitute a nuisance.

15/2.

Please ask Collr to consult ADH on the proposal that ~~the~~ ag. Cadastral stable removed. Ask Collr to state what cost of cadastral will be for each bund of which ADH removal to remove. Also how he considers it advisable proper to ask the Municipality to bear cadastral for Utilm. Municipality as such clear is undesirable. I agree Ferd 16/2/40

Subject:- Public nuisance caused by stagnation of water of Lendi Nulla.

Letter No.B.M.-26 dated 18-1-1940 from the Executive Engineer,Belgaum, to the Collector of Belgaum.

" With reference to your No.MUN/BCM.-186 dated 10-10-1939, I have the honour to state that the nuisance caused by the stagnation of water in the nulla will be reduced if Bund No.I, which is just near the town is removed.

2. Stagnation of water due to bunds ~~then~~ below Bund No.I are likely to cause local nuisances but being far away and comparatively low ones will not trouble the town.

3. The tracing plan received with your letter under reference is herewith returned."

Belgaum, 23rd December 1940.

From,

C. N. Millard, Esquire, B.A., J.P.,
Collector of Belgaum.

To,

The Commissioner,
Southern Division, Belgaum.

Sir,

With reference to your No.I.R.R. 238, dated 24-2-194 on the subject noted above, I have the honour to report as follows:-

1. The Assistant Director of Public Health, who was consulted in the matter, states that the removal of bund No. only (sketch enclosed) for the present would minimise the - nuisance that is being caused to the people and recommends its removal for the present (Vide his letter No.1141dated - 14-3-1940, copy enclosed). P15

3. The amount of compensation that will have to be paid under section 39 and 40 of the Irrigation Act, consequ upon the removal of bund No.1, is roughly estimated at - Rs:2500/= by the Mamlatdar of Belgaum. At the most, it will not exceed Rs:3000/-.

4. As the stagnant water in the Nulla is a nuisance to the residents both of the Municipal Borough and of the - Cantonment Area of Belgaum, both these bodies should pay th compensation. They were asked to state whether each of them would be prepared to bear half of the cost. The Cantonment Board has refused to bear any part of the cost (Vide copy of President's letter No.12/14/San, dated 24-9-1940). On th other-hand the Municipal Borough has agreed to bear the ful cost of Rs:3000/- on condition that it would stop the - Cantonment Board's discharge into the nulla. So, action - under Section 12 of the Bombay Irrigation Act as far as bu No.1 is concerned may be taken. P13

5. A draft notification is enclosed. Government may kindly be moved to publish it in the Bombay Government - Gazette. On publication of the notification, the Prant P17

Officer, will be asked to take action under Section 39 and 40 of the Act and determine the claims in respect of compensation that will have to be paid.

Your most obedient servant,

Collector of Belgaum.

Copy of letter from the President, Cantonment Board, Belgaum, to the Collector of Belgaum.

Subject:- Stagnation of water in Lendi Nulla.
Nuisance caused on account of -

In reply to your letter No.MunpB.C.M.-186, dated the 12th ~~Sept~~ September 1940, I have the honour to inform you that the proposal made by you was placed be me before the Cantonment Board and that they have resolved not to pay the - compensation as the City is affected by the nuisance and not the Cantonment.

I agree that my predecessor in Office objected to the nuisance officially to you but that was more or less to give moral support to the case of the Municipality.

The nulla runs outside the Cantonment and it carries all waste water from the City though the Cantonment discharges - some.

The City Municipality has already agree to build ~~up~~ up that portion of the nulla which does in some measure affect the Cantonment. When that happens I have no complaint.

Another alternative that has been ~~agreed to~~ brought to ~~my~~ notice is that the Municipality acquire the land the owner of which claims the water rights.

Perhaps the Municipality will agree to this procedure as that Body will benefit most by it.

The law, as it stands, prohibits acquisition of such - rights by the Cantonment Board but the Municipality can.

I hope the Municipality which is most interested will decide the issue in consultation with you.

Copy of letter No.1141, dated 14th March 1940, from the Assistant Director of Public Health,S.R.D.,Belgaum, to the Collector of Belgaum.

.....

Subject:- Iendi Nulla,Belgaum.

Injury to public health due to stagnation of water in.

.....

" With reference to your endorsement No.Mun/B.C.M., 186, dated 4th March 1940, forwarding a copy of paragraph 1 of the - Commissioner, S.D's letter No.I.R.R.238, of 24th February 1940, together with copies of other three communications on the - subject noted above, I have the honour to state that in the circumstances stated by you I agree to the proposal of removing at present, bund No.1 (i.e. Mr.Jog's bund close to Railway bridge No.5 at mile M 32/1), which is the Chief cause of the nuisance. If, however, the nuisance is found to persist still, the question of removal of other ~~bunds~~ bunds lying below bund No.1 may then be considered."

Revenue Department.

Bombay Castle, 1941.

No. 74-Bap Whereas it has been ascertained that the erection of a bund below the railway bridge across the Lendi Nulla at the northern boundary of Revision Survey Nos. 301 and 304 of Belgaum, in the taluka and district of Belgaum, causes injury to the public health of the residents of the Belgaum Municipal Borough and the Belgaum Cantonment Area, the - Government of Bombay, in exercise of the powers conferred by section 12 of the Bombay Irrigation Act, 1879 (Bom.VII of 1879), hereby prohibits the erection of any bund across the Lendi Nulla anywhere between the Revision Survey Nos.301 and 304 of Belgaum and orders the removal of any existing bund, erected thereon.

The Government of Bombay hereby appoints the - Prant Officer, S.D.,Belgaum, as 'Canal Officer' under - Section 4 of the Act.

By order of the Governor of Bombay,

Collector of Belgaum. Secretary to Government.

No 1213 of 1940-41

Municipal Office Belgaum.

Dated 8th November 1940.

From,

The President,

Belgaum Borough Municipality.

To,

The Collector of Belgaum.

Belgaum

Subject:- Stagnation of water in Lendi Nala.
Nuisance caused on account of ----

Sir,

With reference to your endorsement No. Mun.B.C.M. 186 dated 3-10-1940, I have the honour to forward herewith a copy of the resolution passed by the Municipal Board on the subject and to state that the Municipality is willing to pay the expenditure required for the acquisition of water rights, provided it will not exceed Rs. 3000/- as mentioned in your letter No. Mun.B.C.M.186 dated 12-9-1940.

The Cantonment Board Belgaum should kindly be requested to reconsider its decision in the matter and share equally the expenditure required for the purpose. In case it chooses not to comply with this request, the Municipality will have to most reluctantly stop the inflow of the Cantonment water into the Nala in question.

I have the honour to be

Sir,

Your most obedient servant,

President,

Belgaum Borough Municipality

Encl:-
1

DF.

Copy of General Committee's resolution No.105
dated 22-10-1940.

.....

(105) Collector's No. Pun.T.C.N.187 dated 3-10-40 requesting the Municipality to state whether it is willing to pay the amount of compensation that will have to be awarded for the removal of Bund No.1 across the Lendi Nala.

Proposed by Mr. N.F. Bongale and seconded by Mr. M.G. Maniyar that the acquisition of water rights under Bund No.1 across the Lendi Nala be undertaken provided the amount of compendation that will have to be paid to the various owners will not exceed Rs. 3000/-. The Cantonment Board Belgaum be requested to reconsider its decision in the matter and agree to share equally the expenditure required for the purpose.

If the Cantonment Body be not willing to share the expenditure, the inflow of the sullage water and the rain water from the Cantonment area into the Lendi Nala be stopped.

Res: Carried unanimously.

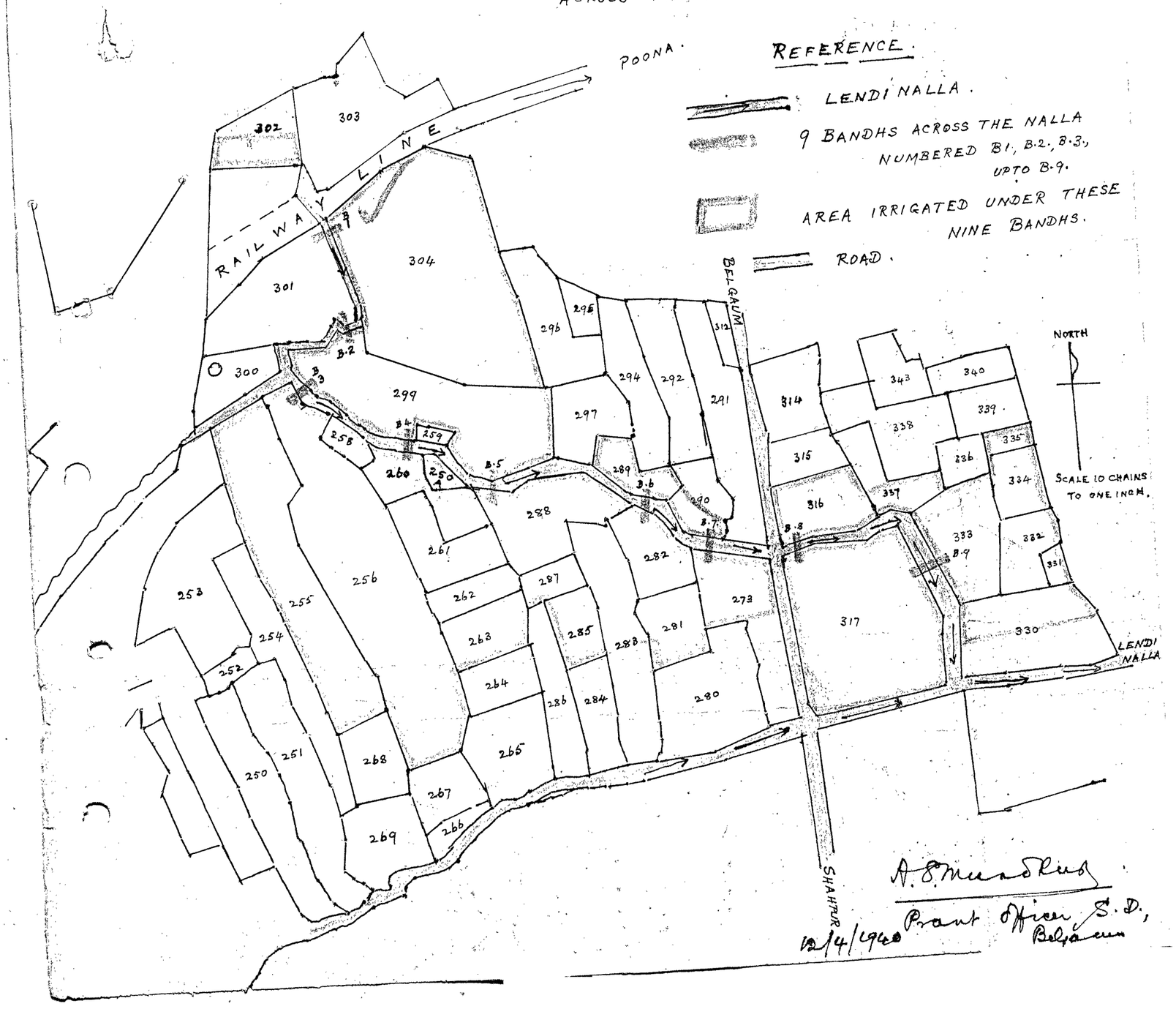
True Copy "

B. B. Pawle

Chief ~~Officer,~~

Belgaum Borough Municipality.

SKETCH OF THE "LENDI NALLA" AND THE LANDS UNDER THE 9 BANDHS ACROSS THE NALLA.



REFERENCE.

- LENDI NALLA.
- 9 BANDHS ACROSS THE NALLA NUMBERED B1, B.2., B.3., UPTO B.9.
- AREA IRRIGATED UNDER THESE NINE BANDHS.
- ROAD.

A. S. Mundkur
12/4/1940 Asst Officer S. D., Belgaum

Subject :- lendi Nalla : Belgaum.
Injury to public health due to stagnation of water in,

=== V ===

No. MUN.BGM-186.
Via Belgaum, 27 February 1942.

From

The Collector of Belgaum;

To

The Commissioner, S.D., Belgaum.

Sir,

With reference to your No. I.R.R.-238, dated 11-1-1941, on the subject noted above, I have the honour to state that the annual loss of revenue (water share) by the removal of Bund No.1 is estimated at Rs. 35-3-0. This loss of revenue will be in addition to the compensation already proposed.

Your most obedient servant;

Collector of Belgaum.

REVENUE DEPARTMENT
File No. 7114/39
9-MAR 1942
Serial No. F6142

No. I.R.R.-238.
Office of the Commissioner S.D.
Camp Haliyal, 5th March 1942.

S u b m i t t e d.

2. The Collector's proposal to take action under Section 12 of the Bombay Irrigation Act, 1879 as far as bund No. 1 is concerned, is recommended.

3. The draft notification may please be published in the Bombay Government Gazette.

Commissioner S.D.

Revenue Department.

Revenue Department.

It is proposed to prohibit the erection of any bund across the Lendi Nulla anywhere between the Revision S.Nos.301 and 304 of Belgaum and to order the removal of the existing bund No.I erected thereon by publishing a notification in the Bombay Govt. Gazette under section 12 of the Irrign.Act. It is proposed to take this action in the interest of public health as the bund causes local nuisance by stagnation of water. The amount of compensation that will have to be paid under sections 39 and 40 of the Irrign.Act, consequent on the removal of bund No.1, is estimated at about Rs.3,000. The Municipal Borough has agreed to bear the full cost of Rs.3,000 on condition that it would stop all cantonment Board's discharge into the nulla. In addition it is estimated that the annual loss of revenue (water share) by the removal of the bund would be Rs.35-3-0. It is proposed to appoint the Prant Officer, S.D., Belgaum as 'Canal Officer' under section 4 of the Act. The draft notifn. may be referred u.o.to the R.L.A.for scrutiny.

2. Before final orders issue the papers will be referred u.o.to the P.W.D., G.D. and F.D.

3053
B 27/3/42
20-3-42
20 3 42

U.S.

u.o.r. to R.L.A. dy 21/3/42

Secy.
26 MAR 1942

29

Office of the R.L.A.

The requisite two revised draft notifications are sent herewith.

2. It is presumed, the Prant Officer, S.D., Belgaum, is to be appointed to exercise the powers under sections 38 and 39 of the Act in respect of claims for compensation arising from the removal of the bund No.1. The second draft notification under section 4 provides accordingly.

R.C.

REVENUE DEPARTMENT
File No. 7114/39
14 APR 1942
Serial No. F 9482

for Remembrancer of Legal Affairs.

U.R. to R.D., No. 3229, dated the 14th April 1942.

B.

Submitted with references
Re office note dt 20-3-42.
the presumption made by the
R.L.A. in para. 2 of his
memo. is correct (vide
para. 5 of the letter cited
dt 23-12-40). The revised
notification prepared by
the R.L.A. may be approved.
Before publication the papers
may be referred to the
P.W.D., F.D. and T.D. as
already proposed.

d.c.
17-4-42

21/4/42

J.S.

A.O.R. & P.W.D. / F.D. / T.D. dt 22/4/42

P.W.D.

(J.B.) Submitted

2. The papers may be
seen and passed on to the G.D.

25-4-42 / 25/4

A.O.R. to the G.D. dt 27/4/42

GENERAL DEPARTMENT
RD. 7114/39
28. APR. 1942
863

General Deptt

FINANCE DEPARTMENT
File No.
5 MAY 1942
Serial No.

Seen & passed on to the Hon

30.4.42
2/5

Hon. 2/5/42

now to F.D. 4/5/42

2.5.42
4

Finance Deptt.

Seen and returned to the R.D.

S.N.D.
9.5.42

9/5

D.S. (Bond)

now to R.D. & 11-5-42

REVENUE DEPARTMENT
File No.
11 MAY 1942
Serial No. F

Rev. Deptt:

Submitted with reference to Rev. O.M. overleaf. The draft notification at pages 31 and 33 ante may now kindly be. Copies of the notification will be sent to the following Hindu and Depts. under cover —

(1) The Comm.; S.D.
(2) The Colls. of Belgaum
(3) The Dy. of Police/Hqrs.
(4) The Supdg. Engineer, S.C.
(5) The Ex. Engineer Belgaum Div.
(6) The F.D.
(7) The G.I.
(8) The P.W.D.

@ S.A.D. will kindly see the notification in draft.

23/4

PUBLIC WORKS DEPARTMENT
File No. RD 7114/39
23 APR 1942
Serial No.

Hon 22/4/42

4/5

4/5/42

9.5.42

REVENUE DEPARTMENT.

Bombay Castle, 18th May 1942.

BOMBAY IRRIGATION ACT, 1879.

No. 7114/39.—Whereas it appears to the Government of Bombay that injury to the public health has arisen and may arise from the erection of a bund below the railway bridge across the portion of the Lendi Nulla which lies between Revision Survey Nos. 301 and 304 of Belgaum in the taluka and district of Belgaum;

Now, therefore, in exercise of the powers conferred by section 12 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879), the Government of Bombay is pleased to prohibit the erection of any bund, and to order the removal of the existing bund, across the said portion of the Lendi Nulla.

By order of the Governor of Bombay,

M. J. DESAI,
Secretary to Government.

REVENUE DEPARTMENT.

Bombay Castle, 18th May 1942.

No. 7114/39 (*a*).—In exercise of the powers conferred by clause (*b*) of section 4 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879), the Government of Bombay is pleased to invest the Assistant or Deputy Collector in charge of the Southern Division, Belgaum, with the powers of the Collector under sections 38 and 39 of the said Act, in respect of claims for compensation, arising from the removal of the bund ordered under Government Notification, Revenue Department, No. 7114/39, dated 18th May 1942. BOMBAY IRRIGATION ACT, 1879.

By order of the Governor of Bombay,

M. J. DESAI,
Secretary to Government.